

Docket No.: AMERMOT.066A

May 17, 2005

Page 1 of 1

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Applicant : Leitner, et al.
App. No : 10/643,708
Filed : August 19, 2003
For : RETRACTABLE VEHICLE STEP
Examiner : Gerald B. Klebe
Art Unit : 3618

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May 17, 2005

(Date)

Mark J. Kertz

Mark J. Kertz, Reg. No. 43,711

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is:

(X) Request for Clarification in 3 pages.

The Commissioner is hereby authorized to charge any additional fees which may be required, or
credit any overpayment, to Account No. 11-1410.

Mark J. Kertz

Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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AMERMOT.066A

MAY 17 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Horst Leitner, Anthony Smith
Appl. No. : 10/643,708
Filed : August 19, 2003
For : RETRACTABLE VEHICLE
STEP
Examiner : Gerald B. Klebe

Group Art Unit: 3618

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May 17, 2005

(Date)

Mark J. Kertz

Mark J. Kertz, Reg. No. 43,711

REQUEST FOR CLARIFICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Allowability mailed on March 31, 2005, Applicant submits the following Request for Clarification.

In the Notice of Allowability, the Examiner stated that he had "considered all references of record in ... the commonly-owned co-pending application[] Ser. No. 10/641358 ... as of the date of this Office Action" Applicant appreciates the Examiner's efforts at clarifying the record as to the references that he considered in allowing the present application and understands that the Examiner considered all of the references currently of record in application Serial No. 10/641358. Nonetheless, the Examiner's statement contains an ambiguity which Applicant would like to clarify.

Nearly simultaneously with the allowance of the present application, the Examiner allowed co-pending application no. 10/641,358 and cited therein a number of references in a Form PTO-892. The Form PTO-892 was mailed to Applicant along with a Notice of

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 Filed : August 19, 2003

Allowability pertaining to the '358 application. The table below illustrates the Notice of Allowability signature date and mailing date for both the present application and the co-pending '358 application:

| | THE PRESENT APPLICATION | SER. NO. 10/641,358 |
|--|-------------------------|---------------------|
| Notice of Allowability - Date of Signature by Examiner | March 17, 2005 | March 18, 2005 |
| Notice of Allowability - Date of Mailing | March 31, 2005 | March 31, 2005 |

In view of the dates set forth above, there is an ambiguity in the Examiner's statement regarding consideration in the present application of the references of record in the '358 application "as of the date of [the Notice of Allowability in the present application]." In particular, it is unclear from the record whether the Examiner considered the references cited in the March 2005 form PTO-892 in the '358 application, when allowing the claims of the present application.

Accordingly, Applicant respectfully requests the Examiner to clarify whether he has considered, in the present application, the following references cited by the Examiner in the March 2005 form PTO-892 in the '358 application:

U.S. PATENT DOCUMENTS:

| PATENT NO. | DATE | INVENTOR(S) |
|------------|---------|-------------|
| 1,471,972 | 10/1923 | Miller |
| 2,122,040 | 6/1938 | Machovec |
| 3,095,216 | 6/1963 | Browne |
| 3,807,757 | 4/1974 | Carpenter |
| 4,164,292 | 8/1979 | Karkau |
| 4,174,021 | 11/1979 | Barlock |
| 4,440,364 | 4/1984 | Cone |
| 4,679,810 | 7/1987 | Kimball |

FOREIGN PATENT DOCUMENTS:

| COUNTRY | NUMBER | DATE |
|---------|--------|------|
|---------|--------|------|

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| COUNTRY | NUMBER | DATE |
|---------|---------|---------|
| Japan | 4339041 | 11/1992 |

Conclusion

Applicant respectfully requests clarification of the issues detailed above. If the Examiner has any questions, the Examiner is respectfully requested to telephone the undersigned Attorney.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 17, 2005

By: Mark J. Kertz
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